IN THE HIGH COURT OF JUDICATURE AT BILASPUR

W.P. No. 3282 *of 2003*

T.S. GAUTAM, SON OF SHRI VIJAY RAM GAUTAM, AGED 49 YEARS, WORKING AS SURVEYOUR, OFFICE OF CENTRAL AGRICULTRUE DEPARTMENT, DHAMDA, DISTT. DURG [C.G.].

PETITIONER

VERSUS

1. STATE OF CHHATTISGARH, THROUGH THE SECRETARY, GENERAL ADMINISTRATIVE DEPARTMENT, DKS BHAWAN, RAIPUR, [C.G.]
2. THE COLLECTOR, DURG.
3. THE TEHSILDAR, DHAMDA, DISTT. DURG.

RESPONDENTS

P. R. No. 3201/03
Presented by Shri K.K. Reema Krishnamani
dated 14.10.03

RECEIVED COPY,
14.10.
CLERK TO A.G. BILASPUR

PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF WRITS IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ORDER(S), AND/OR DIRECTION(S) IN THE NATURE OF WRITS

(19)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... WP 3282/03 ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	21-11-2003	

Shri Prafulla Bharat, counsel for the petitioner.

Shri Sanjay K. Agrawal, Deputy Advocate General for the State/respondents.

Heard both the counsel.

By this petition filed under Article 226/227 of the Constitution of India, the petitioner seeks to challenge the in-action on the part of respondent No.3 in not issuing the caste certificate to the petitioner.

The case of the petitioner is that the petitioner belongs to Scheduled Caste community and having caste certificate issued by the Tehsildar District Bhind, Madhya Pradesh, Annexure-P/1. The petitioner was working as Surveyor in Agriculture Department in the State of M.P and on bifurcation of the State of M.P. the petitioner's services came to be allocated to the State of Chhattisgarh and since 2000 after coming into force of the State of C.G. the petitioner is working as Government Servant in the State of Chhattisgarh and presently the petitioner is working as Surveyor in the River Valley Project, District Durg and a certificate to that effect is Annexure-P/2. The petitioner belongs to Jatav caste which falls under the Scheduled Caste as per amendment made in III Schedule in the Constitution of (Scheduled Castes) Order 1950 and erstwhile State of M.P. has issued a caste certificate in favour of the petitioner.

XI-HC-22

(20)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

On 6-5-2002 the petitioner has applied for caste certificate before respondent No.3 Tehsildar, Dhamdha, District Durg, but the Tehsildar has refused to issue a caste certificate in favour of the petitioner for the reason best known to him. On 15-9-2003, the petitioner has approached the Sub Divisional Officer for issuance of caste certificate and the Sub Divisional Officer has advised the petitioner to meet the Tehsildar Dhamda, District Durg and give reference of circular dated 28-7-2003 issued by the State Government, but the respondent No.3 is not considering the request of the petitioner.

Learned counsel for the petitioner submits that respondent No.3 Tehsildar be directed to decide the application of the petitioner expeditiously in accordance with law and to that effect he may be allowed to make an application before respondent NO.3 to which the learned Deputy Advocate General has no objection.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make an application for issuance of the certificate before respondent No.3 Tehsildar within a period of 10 days and in turn respondent No.3 will decide the application of the petitioner and pass appropriate order in accordance with law within a period of 30 days from the date of receipt of the application and while considering the application respondent No.3 will take into consideration his earlier application which is lying with him.

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XI-HC-22

(21)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Borne	With these observations, writ petition is disposed of. Consequently, I.A. No. 9617/2003 also stands disposed of. Parties are entitled for certified copy of this order. Sd/- L.C.BHADOO Judge	